

**REMARKS/ARGUMENTS**

**STATUS OF CLAIMS**

In response to the Office Action dated February 8, 1008, claims 1, 7 and 8 have been amended, and claims 9-11 have been added. Claims 1-11 are now pending in this application. No new matter has been added.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

I. Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Niikawa (USPN 6,819,355) in view of Anderson et al. (USPN 7,107,516) and Fujiwara (US 2003/0085988). Anderson et al. has been relied upon by the Examiner as teaching a communication mode in which images are transferred from an external device (PC) to an image sending device (camera, column 8, lines 4-9). Fujiwara has been relied upon by the Examiner as teaching that still images stored in memory of a camera are transmitted to a PC and this requires that the camera sends an image capturing command to the external device (PC) in the form of a bulk transfer request (paragraphs [0084] - [0086] and Fig. 11).

The rejections are respectfully traversed.

**II. Independent claim 1**

The Examiner maintains that in Niikawa, the first communication mode capable of choosing an image and sending the selected image to an external device is the reproduction mode of digital camera 1, that the switches 6 and 7 are used to select an

image and the camera sends the image to a personal computer 1000. In addition, the second communication mode for enabling the image sending device to function as an external recording device by receiving and recording images transferred from the external device is the photographing mode of digital camera 1. The Examiner considers the photographing mode to be a communication mode, as it is operable from the PC side and images displayed on the camera are also displayed on the PC.

However, Applicant cannot accept the Examiner's interpretation that Niikawa discloses the second communication mode recited in claim 1. The second communication mode is a mode that enables **the image sending device** (digital camera 1) **to function as an external recording device** by receiving and recording images transferred from the external device. There is no disclosure or suggestion in Niikawa that digital camera 1 (image sending device) ever receives and records images that have been transferred from the PC. Both the first and second communication modes require interaction between the image sending apparatus (digital camera 1) and an external device (PC). In the photographing mode of Niikawa, the digital camera takes in a digital picture using CCD 303 and stores it on memory card 8. No interaction between the digital camera 1 and the PC is required. Therefore, contrary to what the Examiner asserts, Niikawa discloses no second communication mode.

Since Niikawa does not disclose a second communication mode for enabling the digital camera 1 to function as an external recording device by receiving and recording images transferred from the PC, Niikawa does not disclose that digital camera 1 has an automatic mode switching device with automatically switches between the first

communication mode and the second communication mode in the first communication device.

The Examiner also contends that Niikawa discloses “on checking that there has been the transfer instruction of the image from the transfer instruction device of the image sending apparatus, the mode switch control device of the image receiving apparatus determines whether or not the communication mode with the image sending apparatus is the first communication mode, and sends a conversion command for ordering change to the first communication mode if determined that a current communication mode of the image sending apparatus is not the first communication mode”, referring to Fig. 11 and column 10, line 5 through column 11, line 7 of the reference. In this regard, the Examiner asserts that, “Upon the transfer instruction of image data (S133), the image receiving apparatus (PC) determines the desired communication mode between the computer and the camera (S1306), and sends a mode change signal to the image sending apparatus (camera) if the camera is not in the same mode as the PC.”

However, contrary to what the Examiner asserts, in carrying out step S133 in Fig. 11 of Niikawa, the PC does NOT determine the desired communication mode between the computer and the camera (S1306). The description of step S1306 is at column 10, lines 41-57 of Niikawa:

As the other option, the mode of the digital camera 1 can be switched on the computer side. In this case, it is determined in S1304 if the photographing/reproduction mode setting switch c14 displayed on the driver window has been clicked. If the displayed switch c14 was clicked (YES in S1304), it is determined in S1305 if the radio button 1 of the environment setting file is in the ON state, that is, if the mode setting operation is allowed on the computer side. If the mode setting is available on the computer side, i.e., if the radio button 1 is ON (YES in S1305), the

current mode is checked in S1306. If the current mode is the reproduction mode, the process proceeds to S1307, in which the mode is switched to the photographing mode. If the current mode is the photographing mode in S1306, the process proceeds to S1308, in which the mode is changed to the reproduction mode. Then, the mode change signal is returned to the digital camera 1 in S1309.

If in S1304 the photographing/reproduction mode setting switch c14 is not clicked (NO in S1304), and if in S1305 the radio button 1 of the environment setting file is not ON, (that is, the mode setting manipulation is not allowed on the computer side), the routine terminates in either case.

What is described is that when an operator at the PC directs that digital camera 1 change modes by clicking (with a mouse) on display switch c14 of the display screen of Fig. 6, the PC sends a command signal to digital camera 1 to change modes as directed by the operator. Any change of mode the digital camera 1 makes in response to such change mode command cannot reasonably be considered to be automatic since it has been directed by the operator in front of the PC.

Fig. 11 of Niikawa clearly evinces that step S1309 is not dependent upon there being a transfer instruction of image data (S133). More specifically, if the response to step S1301 of Fig. 11 is NO, the process jumps to step S1304 which does not require waiting until image data has been received at step S1302. Furthermore, as noted above, the PC does **NOT** determine the desired communication mode between the computer and the digital camera 1 and then send a mode change signal to the digital camera 1 if the digital camera 1 is not in the same mode as the PC, as asserted by the Examiner. Step S1309 sends the mode change signal to digital camera upon a change of mode directed by an operator, not via a determination made by the PC.

Finally, there is no disclosure in Niikawa that the PC is ever in a photographing mode or a reproduction mode of the digital camera 1. What is disclosed is that the

photographing mode and the reproduction mode of digital camera 1 can be switched on the PC side. This is far different from what the Examiner has contended.

Neither Anderson et al. nor Fujiwara remedy the deficiencies of Niikawa. While Anderson et al. discloses that web browser 118 may be used to download images from the PC 112 or the web to the camera 110 (column 8, lines 4-9), Anderson et al. provides no specific information as to how this is done. More specifically, Anderson et al. does not disclose, *inter alia*, an automatic mode switching device in the camera.

### III. Independent claim 7

Independent claim 7 requires, *inter alia*, an automatic mode switching device which automatically switches between the first communication mode and the second communication mode in the communication device. However, as noted above, Niikawa does not disclose a second communication mode for enabling the digital camera 1 to function as an external recording device by receiving and recording images transferred from the PC. Therefore, Niikawa does not disclose that digital camera 1 has an automatic mode switching device which automatically switches between the first communication mode and the second communication mode in the first communication device.

In addition, as noted above also, while Anderson et al. discloses that web browser 118 may be used to download images from the PC 112 or the web to the camera 110 (column 8, lines 4-9), Anderson et al. provides no specific information as to how this is done. That is, Anderson et al. does not disclose, *inter alia*, an automatic mode switching device in the camera.

IV. Independent claim 8

Independent claim 8 requires, *inter alia*, “on checking that there has been the transfer instruction received from the image sending apparatus through the communication device, the mode switch control device determines whether or not the communication mode with the image sending apparatus is the first communication mode, and sends a conversion command for ordering change to the first communication mode if determined that a current communication mode of the image sending apparatus is not the first communication mode”.

However, as noted above, what is described in Niikawa is that when an operator at the PC directs that digital camera 1 change modes by clicking (with a mouse) on display switch c14 of the display screen of Fig. 6, the PC sends a command signal to digital camera 1 to change modes, as directed by the operator. Since the change of mode command is initiated by an operator in front of the PC, such change of mode command sent from the PC cannot be considered to be based upon a determination by the mode switch control device that the communication mode with the image sending apparatus is not the first communication mode.

V. Amendment of Claims

While independent claims 1, 7 and 8, as well as dependent claims 2-6 are patentable over Niikawa, Anderson et al. and Fujiwara for the reasons noted above, independent claims 1, 7 and 8 have been amended to more clearly delineate the subject matter of the invention.

Amended independent claim 1 recites, *inter alia*:

...

an image sending apparatus which comprises:

...

a first communication device which has

a first communication mode capable of sending an image capturing command to an external device and sending the image *selected by the image selecting device* to the external device, and

a second communication mode for enabling the image sending device to function as an external recording device *for* the external device;

a transfer instruction device which outputs a transfer instruction for transferring the image selected by the image selecting device to the external device through the first communication device; and

an automatic mode switching device which automatically switches between the first communication mode and the second communication mode in the first communication device *upon receipt of an order from the external device*; and

the external device includes an image receiving apparatus which comprises:

...

a mode switch control device which *orders the image sending apparatus to control* a switch between the *first communication mode and the second communication mode* of the image sending apparatus, wherein...

Amended independent claim 7 recites, *inter alia*:

...

a communication device which has

a first communication mode capable of sending an image capturing command to an external device and sending the image *selected by the image selecting device* to the external device, and

a second communication mode for enabling the image sending apparatus to function as an external recording device *for* the external device;

a transfer instruction device which outputs a transfer instruction for transferring the image selected by the image selecting device to the external device through the communication device; and

an automatic mode switching device which automatically switches between the first communication mode and the second communication mode in the communication device *upon receipt of an order from the external device*, wherein ...

Finally, amended independent claim 8 recites, *inter alia*:

...

a communication device which has

a first communication mode capable of, on receiving *an image capturing command* from an image sending apparatus, capturing in the image receiving apparatus *an image selected and sent by the image sending apparatus*, and

has a second communication mode enabling *the image receiving apparatus to send images* to the image sending device for storage therein;

a recording device which records the image *selected and sent by* the image sending apparatus through the communication device; and

a mode switch control device which *sends an order to* the image sending apparatus *to control a switch between the first communication mode and the second communication*, wherein...

The features recited in amended independent claims 1, 7 and 8 are not disclosed or suggested in Niikawa, Anderson et al. and Fujiwara for at least the reasons set forth above in section II-IV. Therefore, claims 1-8, as amended, are patentable over Niikawa, Anderson et al. and Fujiwara, and their allowance is respectfully solicited.

### NEW CLAIMS

New independent claims 9-11 are submitted and recite subject matter that is not disclosed or suggested in Niikawa, Anderson et al. and Fujiwara. In particular, the references do not disclose or suggest, an image sending apparatus which comprises an automatic mode switching device which automatically switches at least to the first communication mode from the second communication mode in the first communication

device upon receipt of a second instruction from the external device (claims 9 and 10) ordering the image sending apparatus to switch to the first communication mode from the second communication mode (claim 10), or a transfer instruction device which sends a first instruction to an external device for instructing the external device to receive the image sent from the image sending apparatus (claims 9 and 10). The references further do not disclose or suggest, an external device that includes an image receiving apparatus which comprises a mode switch control device capable of confirming that the image sending apparatus is in the first communication mode, or sending the second instruction to the image sending apparatus for instructing the image sending apparatus to be in the first communication mode upon receipt of the first instruction from the image sending apparatus (claim 9), or upon receipt of an instruction from the image sending apparatus to record the image received from the image sending apparatus through the communication device (claim 11). Therefore, the allowance of claims 9-11 is respectfully solicited.

### **CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-

2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly,  
extension of time fees.

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Respectfully submitted,

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